

RESPONSE TO COMMENTS ON THE 2004 TRIENNIAL REVIEW

1. **Brenda Adelman**
Russian River Watershed Protection Committee
Guerneville, CA
Written Comments- August 9, 2004

Comment: A. A thorough update on the current status of proposed BP Amendments on temperature, sediments, and dissolved oxygen, should be part of this review process. Since Sonoma County Water Agency (SCWA) is paying for these studies, what standards and protocols are being enforced to assure scientific objectivity and process transparency?

Response: A. The contract with Sonoma County Water Agency (SCWA) to complete a review of water quality objectives for DO, temperature, and sediment, to determine if they are sufficient to protect endangered and threatened species, has been finalized. This amendment, (issue 4 on the *2004 Triennial Review Priority List and Workplan*), will complete a full public process including workshops, scientific peer review and a public hearing prior to Board adoption.

Comment: B. RRWPC believes that tracking water quality problems in relationship to lowered flows is of critical importance in the summer time. Since this report was released, an urgency order was authorized by the State Water Board to lower Russian River flows to “dry season” levels. The Order (#2004-0035-EXEC) states on page 10: (#8) “*SCWA shall prepare a Water Quality Monitoring Plan for the Russian River in consultation with the Regional Water Quality Control Board, North Coast Region and the Division of Water Rights.*” The Order opened the door for water quality input on State Water Board flow decisions. How is the Order being carried out in terms of perimeters monitored, monitoring locations, monitoring frequency, reporting requirements, etc.? Shouldn’t there be something specific in the Basin Plan to address what might soon become a regular condition, low flows?

Response: B. The RRWPC has been contacted by staff working on the *Water Quality Monitoring Plan for the Russian River* to answer questions specific to the Plan, as this is not a Triennial Review issue. However, staff concurs that the issue of instream flows as it relates to the protection of beneficial uses should be addressed. Staff has ranked this issue as priority 14 on the *2004 Triennial Review Priority List and Workplan*.

Comment: C. The need for such a program (see Comment B, above) becomes more critical in light of possible consideration of the allowance of “incidental run off” from irrigation. Since irrigation occurs mostly in discharge prohibition periods, which in turn is also generally “low flow” periods, it is of utmost importance that low flow seasonal issues be addressed. In fact, the interaction of “low flow” with ground water quality should also be given a high priority.

Regarding the issue of COLD water habitat for salmonids. The following comment should be addressed if any Basin Plan Amendment is to occur on the COLD designation for the Laguna.

Response: C. This comment suggests that the issue of “incidental run off” during the discharge prohibition season be a priority. Staff has identified this as Issue 3 on the priority list. The comment goes on to suggest that the interaction of low flow in surface water and ground water quality be given a high priority. While we agree that this is an important topic, it will take a considerable amount of time and funding to study this issue. In addition, any such study should involve multiple agencies with involvement with these issues.

Comment: D. Dischargers are talking about requesting elimination of specific dates for discharge commencement and cessation and instead requesting specification of trigger conditions to initiate or terminate such activities. We would support such an action if the 1000 cfs criteria were reinstituted. In other words, no discharge whatsoever at any time, unless Russian River is flowing at 1000 cfs or greater, as measured at Hacienda.

Similarly, for obvious reasons, no discharges should be allowed when the mouth of the Russian River is closed. This was automatically addressed when the 1000 cfs standard was in place, but since eliminated, this is not clear. If lowered flow releases will be permitted to protect the fish, then similar protections should be put in place in regards to wastewater discharges.

Response: D. This comment states some concerns with suggested changes to the seasonal discharge prohibition. These specific concerns outlined by all interested parties would be addressed during a review of the issue for a Basin Plan Amendment. While we recognize that there could be environmental benefits from including additional fishery concerns into the seasonal discharge prohibition, considering this and other suggested significant modifications to the prohibitions will be a very time consuming and controversial effort. Staff has identified this as Issue as No. 24 on the *2004 Triennial Review Priority List and Workplan*.

Comment: E. Regarding the issue of COLD water habitat for salmonids. Santa Rosa will provide arguments for eliminating the COLD designation for the Laguna based on supposed historical warm water conditions. While the Laguna at one time may have had some warm water segments, there is a great deal of historical evidence that the Laguna was extensively altered for human use during the last 100 years. Riparian has been removed; wastewater discharges, sediment pollution, non point pollutant discharges, and management of the Laguna as a flood control channel, have all contributed extensively to current warm water conditions.

Response: E. COLD is an existing beneficial use of the Laguna and cannot be de-designated. Comments specific to Issue 4, Complete an Amendment for the Protection of COLD Water Salmonid Habitat to Include DO and Temperature Objectives will be addressed during the public process for this Amendment.

Staff would like to point out that two issues entitled *Complete an Amendment for the Protection of Cold Water Salmonid Habitat for the Russian River Hydrologic Unit* and *Consider Revision to the Water Quality Objectives for DO and Temperature*, as presented in the Staff Report dated July 7, 2004, have been combined to address these common issues regionwide through a single Basin Plan amendment (priority 4). The amendment would include proposed habitat parameters for cold water salmonids in order to evaluate compliance with revised DO and temperature objectives. A review of the scientific basis for the Amendment indicates, at this time, that it would be appropriate to consider adoption of these objectives and targets regionwide.

Comment: F. The RRWPC is deeply concerned about Santa Rosa's lobbying efforts to "de-list" the Laguna for phosphorus. What is the role of new 303(d) listing policies that may allow for this to happen? How will this interplay with the Triennial Review process? We agree with the EPA phosphorus ruling that was based on documents already in the record as well as sound science.

Response: F. The 303(d) process is completely separate from the Triennial Review. TDML staff has contacted the RRWPC to explain the new process for 303(d) listings.

Comment: G. The RRWPC supports the concept of "activity based action plans." They suggest adding conservation, groundwater recharge, and source reduction programs to the list and expand eligibility to governmental agencies, if they are not currently included.

Response: G. Comment noted. Activity based action plans would individually address specific land uses that impact water quality. Staff is not clear on intent of the comment regarding expanding eligibility to government agencies. If the RRWPC is referring to 319(h) and other funding programs provided through the State Water Board, these are only available to non-profit organizations.

The specific land uses to be addressed with activity based action plans will be reviewed and discussed as part of Issue 23 on the 2004 Triennial Review

Comment: H. We strongly encourage the initiation of a program addressing gravel mining activities.

Response: H. Comment noted. This issue is included in Issue 23 on the Triennial Review Priority List and Workplan.

Comment: I. On page 16 of the Staff Report, there is a note to: "Delineate wetlands in the region and add designations for specific wetland areas to Table 2-1." The RRWPC emphasizes the importance of this recommendation.

Response: I. Comment noted.

Comment: J. In regard to mixing zones, the RRWA states, "...beneficial reuse of this high quality effluent in the watershed is desirable. One means of encouraging beneficial in-stream reuse of high quality effluent, authorized by the State Implementation Policy (SIP), is to establish, where possible, attainable and protective effluent limits that take into account the actual dilution that occurs upon discharge. Effluent limits based on dilution result in a limited zone, or mixing zone, near an outfall in which some California Toxics Rule (CTR) criteria would not at all times be attained, yet beneficial uses would be protected." Is there is any intent of the Triennial Review process to define "reuse" as direct discharge? Certainly the term "reuse" needs to be more clearly defined and consistently applied. This quote seems to be making the argument that "reuse" with direct discharge is a "beneficial use". What does Regional Board staff think of that interpretation?

Response: J. This comment questions statements in a draft letter from the Russian River Watershed Association. While we recognize the author's concerns regarding statements in this letter, we do not believe that this is a comment directly related to the Triennial Review process. We are not aware of any provision of the Clean Water Act that would redefine the discharge of wastewater effluent as beneficial reuse and therefore not be subject to permitting. However, it is clear that some beneficial uses can be enhanced by the discharge of highly treated wastewater.

Comment: K. In regard to the statement on page 17 of the Staff Report that states (middle of page), "*In addition to the mixing zone issue, the Regional Water Board has indicated a possible interest in developing effluent limits.*" Which "limits" are being considered?

Response: K. A reference is made to a statement on Page 17 of the staff report. This discussion refers to the need to incorporate references into the Basin Plan regarding how effluent limits would be developed. The policy may include discussions on the development of effluent limits to protect ground water, development of effluent limits based on narrative receiving water limitations, and the process for developing site-specific effluent limits (including metal translators and water effects ratios). This task is included in Issue No. 7 on the *2004 Triennial Review Priority List and Workplan*.

Comment: L. The two paragraphs regarding the issue of reviewing Seasonal Waste Discharge Prohibitions (page 19) delicately phrases this highly volatile issue. It seems to say that staff can address this through a permit process INSTEAD of a Basin Plan Amendment (i.e. much less rigorous review). The last statement is particularly obscure. "*Clarification of this*

prohibition is necessary to explain the application to specific types of discharges.”

Response: L. This comment refers to the staff proposal for clarification to the Seasonal Discharge Prohibition. Staff believes that some clarification of this prohibition is warranted. This clarification will look at the issue of incidental discharges of reclaimed wastewater as well as discharges of “low-threat” waters (potable irrigation water, hydrant flushing, construction dewatering, etc). This issue is included under Issue No. 3 on the priority list. Again, a full public process will be associated with each proposed Basin Plan Amendment, including public workshops, noticed comment period, and a public hearing.

Comment: M. The prohibition in the Basin Plan is quite clear: no discharge to surface waters from May 15th to October 1st. Yet the staff report states that the prohibition applies to specific types of discharges, but what does it mean? Is this in reference to “incidental runoff”? If so, what is meant by “incidental”? To put it plainly, is the Regional Board considering the allowance of summer discharges? If so, will you consider them in relationship to lower summer water releases, reduction in diversions from the Eel River, increased water use by Water Agency contractors, impacts on salmonids, and impacts to all drinking water supplies?

Response: M. The Staff Report states that clarification of the prohibition “is necessary to explain the application to specific types of discharges.” To accomplish this, an issue entitled “Incidental Runoff” has been added to the *Triennial Review Priority List and Workplan*.

Comment: N. We consider non point source measures of critical importance, but we are not tracking this issue at this time. We encourage regulatory activity in this area.

Response: N. Comment noted.

Comment: O. We strongly support update of the Antidegradation Policy in the Basin Plan. Similarly, we support the update of all plans and policies adopted by State and Federal Agencies, as appropriate.

Response: O. Comment noted.

Comment: P. We support the inclusion of a definition of “waters of the State” as well as descriptions of compliance points whenever updated information and revised definitions are recommended. This is of particular concern where waters are stored in reservoirs and later discharged. The reservoirs become a no man’s land where pollutant limits are not very well addressed.

Response: P. Staff will consider these comments and the idea of adding a glossary of terms when the issue entitled “Complete Editorial Revisions and Minor Clarifications to Text Including New Laws, Plans and Regulations,” (priority 12) is addressed.

- Comment: Q. Where AWT gets further defined, we also encourage clarification of the definitions of “secondary” and “tertiary.”
- Response: Q. Comment noted.
- Comment: R. Re: Update of Action Plan for City of Santa Rosa. Staff should have specified what items are being considered for full Basin Plan inclusion from this “Action Plan” that has since expired. The RRWPC outline several concerns about the “Action Plan” as it currently exists in the Basin Plan.
- Response: R. This comment requests specifics on the issue of revising the Santa Rosa Action Plan contained in the Basin Plan’s Implementation Chapter. Regional Water Board staff recognizes that some elements of this plan are outdated and there are new issues that may need to be included. The Basin Plan indicates that the Action Plan “will be amended at a future date”. This task has been incorporated into Issue 12 on the *2004 Triennial Review Priority List and Workplan*, as it is mainly editorial in nature.
- Comment: S. Narrative Water Quality Objectives: It is not really clear what is being looked at here. Does it refer to implementation of existing standards or rewriting current standards? RRWPC requests that if the issue is pursued, it be made readily available.
- Response: S. Staff is considering the adoption of a Policy Describing Implementation of Narrative Water Quality Objectives similar to the one contained in the Central Valley Regional Water Board’s Basin Plan. The Policy would assist staff by allowing water quality criteria and guidelines adopted by other agencies (such as Department of Health Services and Office of Environmental Health Hazard Assessment) to be utilized in implementing current narrative water quality objectives in the Basin Plan. The Central Valley’s Basin Plan language is available to the public at (www.swrcb.ca.gov/rwgcb5). A Basin Plan Amendment to include this Policy in the Basin Plan would complete the full public process.
- Comment: T. Endocrine disruptors and possible development of water quality objectives: There may be nothing more important than this work program for the survival of aquatic life. The evidence is piling up as to the damage caused by even small amounts of certain chemicals such as atrazine.
- Response: T. Comment noted.
- Comment: U. Riparian and Wetland Protection Policy: We urge you to make it a high priority in this Triennial Review process. RRWPC has been advocating riparian protections (wetland protections are equally important but we haven’t tackled the complexities of the issue) since our tenure on the Sonoma County General Plan Citizens Advisory Committee in the late 1980’s.

Responses: U. Comment noted. Staff has ranked this issue as a high priority on the *2004 Triennial Review Priority List and Workplan* (Table 1).

**2. Patrick Vaughan
California Department of Parks and Recreation
North Coast Redwoods District
Written comments / July 27, 2004**

Comment: A. Re: Development of a wetland and riparian protection policy. The District requests that the restorative effects of a form of gravel mining, in salmonid-bearing streams, be considered.

Response: A. This comment is specific to the development of a Basin Plan Amendment and will be addressed by staff during consideration of an amendment for wetland and riparian policy.

Comments: B. The District supports the issues of revising the water quality objectives for Temperature and Dissolved Oxygen (DO) and the development of Biocriteria.

Response: B. Comments noted.

**3. Russian River Watershed Association
(Comprised of the Cities of Cloverdale, Healdsburg, Rohnert Park,
Santa Rosa, Ukiah, the County of Sonoma, Mendocino County Water
Agency, Mendocino Inland Water and Power Commission, Sonoma
County Water Agency, and the Town of Windsor)
Written comments / August 4, 2004**

Comment: A. Mixing Zone Policy: Mixing zones are appropriate in certain circumstances as recognized in the CTR and the SIP. RRWA requests that the Regional Board amend the Basin Plan to include a provision that establishes criteria to determine if a mixing zone should be allowed based on watershed conditions, and the conditions associated with a specific discharge.

Response: A. Staff notes the RRWA's support for this issue. Regional Water Board has not allowed the use of mixing zones for dilution of wastewater discharges historically. However, staff has agreed that a review of the issue is necessary based on the authorization by the CTR-SIP for Regional Boards to consider and issue policy on this matter. This issue was ranked as a high priority during the 2001 Triennial Review and discussions were initiated with the RRWA through Regional Government Services (RGS) regarding how to accomplish a review of this issue with limited staff resources. A contract through RGS to review this issue now appears feasible. For these reasons, it has been ranked as a high priority (issue 8) on the Triennial Review Priority List and Workplan.

- Comment: B. Editorial Changes- WERs: An additional “editorial change” should be added to the list on p. 19 of the Staff Report as follows: amend the Basin Plan to state that nothing in the Basin Plan precludes adoption of Water Effects Ratios (WERs) through the permit process.
- Response: B. Comment noted. Please refer to the response to comment 1-K.
- Comment: C. Develop Basin Plan Language Requiring Waste Discharges to Comply with the California Toxics Rule:
Any amendment to the Basin Plan should clearly explain that the SIP does not apply to discharges regulated through stormwater permits, only typical point source discharges. Stormwater compliance should continue to be determined based on implementation of best management practices (BMPs) to the maximum extent practicable (MEP), as specified in Federal Regulations, for several reasons. The regulatory burden should not be the responsibility of municipalities that are not necessarily causing the source of the contamination.
- Response: C. These comments pertain directly to the SIP and statewide General Storm Water Permits. These documents were prepared and approved by the State Water Resources Control Board. The issues raised by the comments were identified during the public comment process for those documents. An amendment to our Basin Plan regarding this issue would not change provisions of the SIP.
- Comment: D. Review Seasonal Waste Discharge Prohibitions in Section 4. Implementation Plans
We support the effort to review the Seasonal Waste Discharge Prohibitions in Section 4 of the Basin Plan and encourage an increase in flexibility of the policy that would reflect the level of treatment, storage, and reuse that is now practiced in the basin. As part of the review of this issue, we request that staff specifically consider:
- ☐ Incidental Runoff
 - ☐ Indirect Discharges
 - ☐ Discharges During Late Spring Storms
- Response: D. Staff notes RRWA’s support for the issue of “Reviewing the Seasonal Waste Discharge Prohibitions.”
- ☐ In regard to the issue of Incidental Runoff, staff agrees that the issue of “Incidental Runoff of Recycled Water” requires clarification in regard to the prohibition and must be addressed in the near future. This issue has been added to the *Triennial Review Priority List and Workplan*, Issue 3.
 - ☐ A comment was made requesting that the Regional Water Board staff address indirect discharges from percolation ponds. The comment was not specific as to what current Basin Plan language should be modified. In general, staff agree that percolation ponds can be a useful disposal option where they can be designed, constructed and operated in a manner that complies with water quality objectives

- Staff agrees that the issue of discharges during late spring storms should be reviewed as part of the issue entitled “Review Seasonal Waste Discharge Prohibitions in Section 4. Implementation Plans,” which remains on the *Triennial Review Priority List and Workplan*. However, this issue is not a top priority at this time.

Comment: E. Update the Water Quality Objectives for Groundwater
The RRWA supports the Regional Board’s efforts to develop appropriate groundwater objectives for the Region. RRWA recommends that the water quality objectives for groundwater be updated and tied to current criteria promulgated in Title 22 of the California Code of Regulations. Because increased reliance on groundwater for water supply and replenishment through properly regulated indirect discharges is expected in the future, development of appropriate Basin Plan provisions is appropriate to foster proper groundwater resource development and protection (see also comment D above).

Response: E. Staff notes the RRWA’s support of this issue. Specific comments will be addressed during the completion of a Basin Plan amendment on the issue. This issue has been ranked as a high priority (see issue 13 on the *2004 Triennial Review Priority List and Workplan*).

Comment: F. Update Beneficial Uses Section
The RRWA requests that any future Basin Plan amendments regarding wetlands address and allow for the irrigation of recycled water in or near wetland areas where protective of beneficial uses.

Response: F. The use of recycled water in or near wetland areas, where information and data indicated that beneficial uses were protected, would be considered by staff. However, this information would be specifically reviewed as part of the Basin Plan amendment process.

Comment: G. Review Policy for Waivers of Water Discharge Requirements for Specific Types of Discharges.
The RRWA would like to see an improved policy regarding the handling of low threat discharges, routine road/ditch maintenance, and water system flushing where wither waivers or General Permits make sense from a legal, administrative, cost, and water quality perspective. Many of the waivers renewed in 2002, as required by SB390, apply to municipal water supply operations, including test pumping of fresh water wells, discharges from hydrostatic test lines, and discharge from flushing of domestic water lines and tanks. The activities covered in these waivers are an important part of responsible water system maintenance, and are required and necessary to protect human health. RRWA supports amending the Basin Plan as necessary to incorporate these previously approved waivers.

Response: G. This comment references some types of "low-threat" discharges associated with operation and maintenance of water systems. Some of these discharges can be authorized under the Regional Water Board's waiver policy, adopted in 2002. However, these waivers cannot be utilized where a permit under the Clean Water Act is required. Regional

Water Board staff are developing a "low-threat" NPDES General Permit for use where discharges are proposed to surface waters. No modification to the Basin Plan is required for adoption of this permit.

**4. Donald B. Koch, Regional Manager
California Department of Fish and Game (CDFG)
Written Comments / August 6, 2004**

Comments: Consider the Klamath River issues as highest priorities.

Top priority should also be given to the following issues:

- Instream Flow Issues
- Cold water Salmonid Habitat Amendment
- Revise the water quality objectives for Temperature and DO.
- Site Specific temperature objectives for the Klamath River.
- Site Specific temperature objectives for the Trinity River (as well as flow determinations consistent with the Trinity River Record of Decision).

CDFG also continues to support the following issues:

- Objectives for Nutrients
- Objectives for Total Residual Chlorine
- Objectives for Ammonia.
- Biocriteria Objectives.

Response: Staff agrees that a couple of issues related to the Klamath River are high priorities. The following issues have been ranked as top priorities on the *2004 Triennial Review Priority List and Workplan*: A) *Complete an Amendment for the Protection of Cold Water Salmonid Habitat to Include DO and Temperature Objectives* (priority 4). This issue will include temperature and DO objectives for the Klamath as well as targets for COLD habitat parameters. B) *Amend Section 4. Implementation Plans to Include TMDL Action Plans for 303 (d) listed Waterbodies* (priority 6). This issue will be addressed on the Klamath River once the TMDLs are completed in late 2005.

**5. Trinity County Board of Supervisors
Written Comments / August 9, 2004**

Comment: A. Make a priority in the Triennial Basin Plan Review to assure that water quality objectives for the beneficial uses of the Klamath and Trinity Rivers are met.

Response: A. This is not a Triennial Review issue at this time. However, Regional Water Board staff is conducting monitoring in these waterbodies associated with the Statewide Ambient Monitoring Program (SWAMP) and developing TMDLs for restoring impairments.

- Comment: B. Develop an Implementation Plan (such as the Trinity River Interim Plan in the present Basin Plan) for the severe water quality problems on the Klamath River. This would include a "fish kill response team plan" instituted by the Board, through collaboration with the CDFG and other agencies, tribes and public. The Klamath River fish kills of 2002 and 2004 are a clear indication of the severity of the water quality degradation that threatens protection of designated beneficial uses of cold water for migration, spawning and rearing of salmonids and other aquatic species. The implementation plan should recognize the role of flow in the Trinity and Klamath rivers in conjunction with other activities such as FERC re-licensing at Iron Gate and Copco.
- Comment: C. Update the "Interim Action Plan for the Trinity River" so that it correctly includes the Trinity River Record of Decision (Trinity ROD), the Water Quality Control Plan for the Hoopa Valley Indian Reservation, and their relationship to implementing existing and proposed Basin Plan Water Quality Objectives such as the existing Trinity River Temperature Objectives and the Trinity River TMDL.
- Response: C. Regional Water Board staff plans to update the "Interim Action Plan for the Trinity River," as outlined in priority 4 of the *2004 Triennial Review Priority List and Workplan*. Action Plans for each watershed are scheduled to be completed (or updated in the case of the Trinity River), following the completion of TMDL(s) for that particular waterbody. Staff is reviewing alternatives to adoption of Action Plans through the Basin Plan amendment process.

**6. Tom Yarish
Friends of the Esteros
Written Comments / August 9, 2004**

- Comment: A. Requests greater detail and definition and more refinement in detail and scope of program and project descriptions. A key example being relationship to the implementation of the California Toxics Rule in the low-flow regimes in the Russian River and its tributaries. Any efforts by regulated agencies such as the City of Santa Rosa to manipulate the CTR must be viewed as a challenge to existing protections—such as they are—to critical water quality standards that have direct impacts on all biotic resources and endangered fisheries and which have downstream impacts on all water users along the Russian, including the Sonoma County Water Agency.
- Response: A. Staff attempted to briefly summarize each of the issues to be addressed during this Triennial Review process. If there are questions in regard to specific issues, staff is pleased to address them. The recent decision on the flow regime of the Russian River is not a Triennial Review issue. Please also see the response to Comment 1- B.

Comment: B. Programs for continuous and comprehensive long-term monitoring of both surface and ground waters are essential and fundamental to the ability of the board to understand and protect the water resources within its jurisdictions. As the threats and impairments from existing and future development become better understood water quality standards must be tightened and enforced in spite of the considerable political pressures and fiscal constraints that mitigate against protection of natural resources and human health. I cite the rapidly advancing science on the profound effects of extremely low levels of broad classes of compounds known as “endocrine disruptors, xenoestrogens, estrogen mimics”, etc., which are potentially ubiquitous in municipal waste discharges and potentially present in other point and non-point source discharges (runoff, storm drains, industrial discharges, failed septic systems, residential pesticides, pharmaceuticals, etc.). I am aware that the board is currently implementing programs to screen for many of these contaminants and I urge that these programs be given highest priority for funding and staff action.

Response: B. Staff has placed the issue entitled *Review the Issue of Endocrine Disrupters and Consider Water Quality Objectives* on the *2004 Triennial Review Priority List and Workplan*. Unfortunately, a review and ranking of all of the high priority issues indicated that a complete review of issue will not be funded during this Triennial Review period. The Regional Water Board is however, currently working in collaboration with the Central Valley Regional Water Board and the U.S. Davis Aquatic Toxicology Laboratory in developing a screening procedure for estrogenic endocrine disrupting chemicals in surface water employing a fish bioassay. Regional Water Board staff plans to conduct sampling under this program at four sites in the lower Russian River in September. This particular sampling effort is in collaboration with the Sonoma County Water Agency (SCWA) and the U.S. Geologic Survey (USGS). As part of this sampling effort, the USGS will be performing extensive water chemistry analysis for emerging pollutants and selected pharmaceuticals and personal care products.

Comment: C. Urges that where the term “sound science” comes into question, any studies or regulations put forth by regulated interests such as the City of Santa Rosa or the Sonoma County Water Agency be subject to the highest levels of peer review. Standards for water quality (particularly EPA) are not necessarily based on “sound science” and are subject to political influences of special interests and constituencies that have stakes in the reduction of human health protections. The recent debates over mercury, lead, arsenic, perchlorate, DDE, PCE, etc. serve to illustrate the example of political influences that have kept federal and state standards well below those of accepted global standards.

Response: C. All amendments considered by the Regional Water Board complete a lengthy public review process as well as scientific peer review in most cases. The process for Basin Plan Amendments includes CEQA Scoping Workshops, public workshops, and a publicly noticed hearing with a

formal comment period. The State Water Resources Control Board (State Water Board) has a contract with the University of California system to conduct scientific peer reviews of Basin Plan Amendments. Therefore, in most cases professors within the University system, with expertise specific to the issue at hand, conduct peer reviews for the Regional Water Board.

Comment: D. Concentration and toxicity of discharges must be carefully monitored and regulated during low-flow regimes in the Russian River and its tributaries, and in the substantially degraded Laguna de Santa Rosa and in the watersheds of the Estero Americano and the Estero de San Antonio.

Response: D. See responses to Comments 1- B and 6 – B.

Comment: E. TMDL objectives and compliance in all watersheds must be implemented and protected as soon as practically feasible. I urge that the two watersheds serving the Estero Americano and Estero de San Antonio be given high priority for staff and funding.

Response: E. Implementation of TMDLs is one of the Regional Water Board's highest priorities. See issue 6 on the *Triennial Review Priority List and Workplan*.

Stemple Creek and Estero de San Antonio, have an existing TMDL and Attainment Strategy, dating from 1997, that is in the implementation phase. Unfortunately, funding for staff to oversee this program is very limited at this time. The Estero Americano is listed on the 2002 Clean Water Act Section 303(d) List for sediment and nutrients; however, a deadline for this TMDL has not been scheduled. The focus of TMDL efforts in the region has been, and continues to be, on completing TMDLs included in a consent decree entered into by EPA in 1997. Staff expects to be able to initiate efforts on other watersheds in 2006. Decisions regarding priority watersheds have not been made at this time, but will be based on a variety of factors, including impairments with potential for human health impacts, impairments affecting threatened and endangered species (including salmonids), the status of local watershed planning and restoration efforts, and availability of staff resources at the Regional Board.

Comment: F. Gravel mining operations should be subject to much more stringent review and regulation as it has lead to severe overall degradation of the Russian through down-cutting and disruption of fisheries habitat, bank erosion and riparian zone destruction.

Response: F. An action plan for gravel mining would be considered as part of the issue entitled "Explore Adding Activity-Based Action Plans into the Basin Plan." This issue is not a top priority for the Regional Board during this Triennial Review period.

Comment: G. The “anti-backsliding” and “anti-degradation” policies of the Basin Plan need to be strengthened with regard to all future applications for discharge and in the context of new monitoring data and toxics science.

Response: G. This issue is proposed as priority 2 on the *2004 Triennial Review Priority List and Workplan*. Regional Water Board staff intends to only clarify the Federal and State Antidegradation Policies in the Basin Plan to allow for better understanding by the reader. Any modification to the Policies would be the responsibility of the State Water Board and U.S. EPA, respectively.

**7. Jeff Pizzi, P.E.
California Department of Transportation
Written Comments / August 9, 2004**

Comment: A. The Department’s comments are intended to help clarify the regulatory status of storm water within the Basin Plan. The North Coast Basin Plan does not appear to describe how any particular storm water discharge is to be compared with the receiving water standards. The compliance evaluations used for permanent discharges such as those from POTWs and industries are likely not appropriate. If evaluated end-of-pipe, virtually all urban runoff exceeds standards for bacteria, copper and other metals, and organic toxics such as dioxin. A possible solution, in some cases, may be to change the beneficial uses and associated objectives to recognize the inevitable water quality changes during wet weather. Another possibility is to evaluate compliance differently for storm water because it is intermittent. This alternative evaluation would focus on whether beneficial uses are being impacted rather than on numeric exceedance of objectives. A numeric exceedance could be used to trigger a subsequent evaluation of effects on beneficial uses. Regardless of the approaches considered, we believe this topic should be a priority for consideration during the Triennial Review.

Response: A. Regional Water Board staff agrees that is an issue that should be considered. An issue entitled “Consider Seasonal Beneficial Uses and Objectives” (priority 23) has been added to the Triennial Review Priority List and Workplan. However, review of this issue during this Triennial Review period does not appear feasible at this time. “Seasonal Uses of Water,” is an upcoming topic of discussion and review for the Beneficial Use Workgroup, a subgroup of the new Basin Planning Roundtable. The Roundtable is comprised of planning staff from all nine Regional Water Boards and the State Water Board. Regional Board staff will bring Caltrans’ comments to the workgroup for discussion.

Comment: B. Biocriteria - We support consideration of the use of biocriteria as a possible alternative to the use of numeric concentration-based objectives. Bioassessments and biocriteria have the potential to more closely approximate actual effects on beneficial uses.

Response: B. Comment noted.

Comment: C. Develop Basin Plan Language Requiring Waste Discharges to Comply with the California Toxic Rule - This proposal needs to take into account the compliance issues addressed in comment A.

Response: C. These comments would be considered during the completion of a Basin Plan amendment addressing this issue.

Comment: D. Update Bacteria Objectives - Recent studies at Huntington Beach by U.C. Riverside have indicated that bacteria sampling and the resulting posting is very poorly correlated with actual water quality. Adding an additional parameter (enterococcus) may be premature and should possibly wait until more rapid analysis methods are developed.

Responses: D. The Clean Water Act (CWA) Section 303(l)(1)(A) mandates that states having coastal recreation waters must, by April 10, 2004, adopt water quality standards for pathogens that are consistent with U.S. EPA standards. U.S. EPA adopted updated pathogen standards in 1986, followed by draft guidance in 2002 to assist States with implementation. Where States have not amended their objectives to include the 1986 criteria, U.S. EPA will act under Section 303(c) of the CWA to promulgate the criteria for the States. This may occur as soon as late 2004. In addition, updated freshwater objectives are also necessary to protect the Water Contact Recreation (REC-1) beneficial use. A review of the studies referred to in the above comment will be considered as this issue thoroughly examined during the amendment process.

**8. Eileen Cooper
Friends of Del Norte
Written Comments / August 9, 2004**

Comment: There is a lack of consideration of Lake Earl Lagoon levels and the location of septic systems surrounding the Lake. The "wet weather testing" described in the Basin Plan is insufficient to design functioning septic systems around Lake Earl.

Response: Staff recognizes that the Friends of Del Norte consider the issue entitled "Review the Policy on the Control of Water Quality with Respect to On-site Wastewater Treatment and Disposal" to be a high priority. As explained in the Staff Report, the Basin Plan will need to be updated in regard to this policy once the State Water Board has released the directives on this issue as scheduled to occur next year. The Basin Plan update would clarify the applicability of the State Board policy and possibly state that the criteria should be minimum standards for all onsite wastewater systems. The issues raised by Friends of Del Norte would be considered as part of this amendment process. Staff has ranked this issue as priority 17 on the *Triennial Review Priority List and Workplan*. Unfortunately, it does not appear that resources will be available to complete an amendment during this Triennial Review Period.

**9. Sari Sommarstrom, Ph.D.
Sommarstrom & Associates
Written Comments / August 9, 2004**

Comment: A. Recommends that the Regional Water Board's top priority be important Editorial Changes to the Basin Plan, to make it a more user-friendly document. It is very dated in its findings and format. Parts of it have not been rewritten since the 1970s. After 30 years, it is time for a complete overhaul to make this document more useful to the public as well as to staff. An example of a user-friendly Basin Plan is the recent one by the San Francisco Bay Regional Board.

In addition, please incorporate the following:

- Identify and describe the Voluntary Programs.
- Correct errors in text.
- Add to Section 4 – Nonpoint Source Measures – WMI & Grant Programs
- Add to Section 5 – Plans and Policies – State Board Policies – WMI
- Add “Watershed Management” as heading to Sections 1 and 4 and describe relevant activities that RWQCB and SWRCB are
- Add “California Agency Watershed Management Strategic Plan” (August 2003) to Section 5 – State Board Plans.

Response: A. Regional Water Board staff agrees that many portions of the Basin Plan are in dire need of an update. Issue 13 on the Triennial Review Priority List and Workplan would address these issues. Staff is looking into the possibility of obtaining an outside contract to perform an editorial review of the Basin Plan similar to that conducted by a contractor to the San Francisco Bay Region. Staff would consider the specific editorial comments during the Basin Plan update process.

Comments: B. The following issues should be considered high priority:

- Review the Policy for Waivers of WDRs for Specific Types of Discharges.
- Clarify the Antidegradation Policy Language in the Basin Plan.
- Review Basin Plan For Consistency With Statewide Plans & Policies & Complete Editorial Revisions & Minor Clarifications or Corrections to Text Including Reference to New Laws, Plans & Regulations.

Response: Comments noted.

Comments: C. The following issues should be considered medium priority:

- Amend Section 4. Implementation Plans to Include TMDL Implementation Strategies (Action Plans) for 303 (d) Listed Waterbodies

- Explore Adding Activity-Based Action Plans into the Basin Plan
(Clarify what types of “activity-based” action plans are considered voluntary or mandatory. The Fish Friendly Farming one appears to be voluntarily applied, while one for Mining might not?)

- Review the Water Quality Problems Resulting from Gravel Mining.
- Consider Revisions to the Water Quality Objectives for DO and Temperature

Clarification of obscure objectives is usually desirable. However, please do not set objectives for a single species of sensitive fish but set objectives to mimic the natural conditions that the aquatic species adapted to in that stream system.

- Consider Site Specific Objectives for Nutrients

The “ecoregion” level (identified by USEPA) may not be refined enough scale to distinguish those watersheds with naturally occurring nutrients in streams. Please identify natural “background” levels in this region before proposing any basin-wide nutrient objectives

- Update Bacteria Objectives
- Update the Water Quality Objectives for Groundwater
- Update the Beneficial Use Chapter
- Amend Section 4. Implementation Plans: to Recognize California’s Source Water Assessment Program
- Consider a Policy Describing Implementation of Narrative Water Quality Objectives for Surface and Groundwater

Response: Comments noted. The specific comments underscoring various issues (*in italics*) would be considered as part of a Basin Plan amendment on the particular subject.

Comment: D. The following comments are related to issues suggested as low priority:

- Develop a Road Management Policy
While roads can be a significant producer of sediment in some watersheds, a basin-wide road management policy is not practical. Regional board staff may be thinking of logging roads in the development of this policy, but there are many other roads – ranch, residential, county, city, state & federal – that cannot meet a single standard. Constructing a new road is different than maintaining an existing one; making a dirt road “retain hydrologic function” is much easier than reconstructing surfaced road; owning the adjacent land gives more options than when the road owner does not. Your suggested policy contains good ideals to promote, but is not practical to enforce.
- Develop a Wetland and Riparian Protection Policy
As in the Road Mgt Policy above, a single policy may set nice ideals but is impractical to enforce basin-wide.

Response: Comments noted.

**11. Dan Carlson, Capital Project Manager
City of Santa Rosa**

- Comment: A. The City believes in developing Mixing Zone standards. Historic prohibitions were due to “Old Treatment” methods and plants.
- Response: A. See response to 3 - A.
- Comment: The effort to evaluate numeric objectives for temperature and dissolved oxygen in the Russian River is good, but the Laguna De Santa Rosa needs separate standards.
- Response: Application of temperature and DO objectives to waterbodies in the Region will be evaluated during the Basin Plan adoption process.
- Comment: The City supports the efforts to review the seasonal waste discharge prohibition in Section 4 of the Basin Plan.
- Response: Comment noted.
- Comment: The City believes that there is a creditable legal argument that the Regional Board does not need to amend its Basin Plan to permit occasional indirect run-off.
- Response: Regional Water Board are aware of various interpretations of the applicability of the Basin Plan's seasonal discharge prohibition. Staff supports the idea of clarifying the prohibition language in order to clearly reflect the intent of the Regional Water Board. This issue is identified as priority 3 on the *2004 Triennial Review Priority List and Workplan*.
- Comment: The term “good” needs to be clarified in groundwater standards for the Action Plan for the City of Santa Rosa.
- Response: Comment noted. This issue has been combined with the issue entitled *Complete Editorial Revisions & Minor Clarifications to Text Including Reference to New Laws, Plans & Regulations* (priority 12). Any clarifications to the Action Plan would be made during the Basin Plan amendment process.
- Comment: Regional Water Board staff should begin to address the indirect discharges from percolated ponds adjacent to the river and recognize that this type of discharge can provide a viable option to comply with water quality standards and water quality protection.
- Response: See response to comment 3 - D.
- Comment: Incidental runoff should be considered amending effluent limits to allow incidental runoff in water recycling projects.
- Response: See response to comment #3 - D.

Comment: The City recommends that Water Board staff make reference to Title 22 rather than take direct language from Title 22 and insert it into the Basin Plan. Title 22 is updated more often than the Basin Plan and therefore the language can be in conflict or outdated in the Basin Plan.

Response: Staff concurs with this comment and included it in the issue entitled *Review Chemical Objectives In Section 3. Water Quality Objectives* (priority 20), during the 2001 Triennial Review. This is an issue that may be addressed earlier by completing it during the amendment for Issue 12, entitled *Complete Editorial Revisions & Minor Clarifications to Text Including Reference to New Law, Plans & Regulations*.

Comment: An update on nutrient objectives is needed.

Response: Once the U.S. EPA guidance for the ecoregions within the North Coast Region is released, a Basin Plan Amendment for this issue (priority 10) will be prepared.

**12. Ernie Carpenter
Sonoma Compost
Oral Testimony / July 13, 2004 Workshop**

Comment: Requests to work with the Regional Water Board staff by reviewing the draft regulations (specifically the Draft Compost (Green Waste) Order) and to have input in the development of regulations.

Response: Regional Water Board staff has confirmed that the State Water Board's Draft Greenwaste Order has not completed review by management. Once the Order has completed the review process at the State Water Board, Regional Water Board staff will make the document available to interested parties. A Regional Water Board Amendment addressing this issue is not a high priority at this time due to funding issues and the existence of a process currently in place to deal with the issues of water quality related to compost operations.

**13. Tom Stokely
Trinity County Planning Department
Oral Comments / July 15, 2004 Workshop**

Comment: Supports the issue of site-specific temperature objectives for the Trinity as they have during the last two Triennial Reviews.

Response: Comment noted.

Comment: As a result of the recent Trinity River Flow Decision recently made by the 9th Circuit Court, there are new opportunities for the Regional Board to implement some of the promises made in the past, such as a request to State Board to hold a water quality / water rights hearing. A Water Right's Order is needed to implement the Basin Plan temperature objectives for the Trinity so that Federal agencies are also required to comply.

Response: Discussions regarding implementation of the objectives will take place during the Basin Plan amendment adoption process for the DO and temperature objectives (priority 4).

Comment: Requests that Table 5 of Chapter 3 of the Basin Plan be revised to be consistent with the Flow Decision and the Hoopa Tribe's Water Quality Control Plan.

Response: Staff believes that the Table referred to in this comment is actually Table 3-1. This table will be revised once the DO and temperature objectives (priority 4) are adopted. In addition to updating the objectives, the table is in need of editorial revision to be consistent with the updated version of Table 2-1, Beneficial Uses, which has been adopted by the Regional Water Board and State Water Board, and is undergoing review by the Office of Administrative Law (OAL).

14. Richard Grundy, Board Member

Comment: The water quality objectives for bacteria are a priority. Consideration should be given on how the Regional Water Board wants to address dealing with the Santa Rosa, Sonoma County and Russian River issues on a long-term basis in the Basin Plan.

Response: Staff agrees that updating the water quality objectives for bacteria are a top priority and have ranked the issue as priority 5 on the *2004 Triennial Review Priority List and Workplan*. Revision of water quality objectives will deal with many of the issues of concern in the Russian River watershed. However, the Regional Water Board has existing authorities to address issues such as known sources of contamination. These specific issues do not require amendment to the Basin Plan, but must be considered and prioritized along with the many responsibilities of the Regional Water Board.

15. John Corbett, Board Member

Comment: Agrees with fellow Board Member, Richard Grundy. The issues of the Santa Rosa area, as the largest metropolitan sector in the region, need to be addressed. Analysis of Humboldt Bay is also needed. TMDL Implementation Strategies should be one of the Region's highest priorities.

Response: TMDL Implementation (Action) Plans are also a high priority for staff and although they are completed with funding outside of Planning, they are identified in the *2004 Triennial Review Priority List and Workplan* as a top priority (6). One PY is currently dedicated annually to completion of the TMDL Action Plans. Staff agrees that an investigation/study is necessary to determine the extent and source(s) of impairment and/or contamination in Humboldt Bay. This issue does not require a Basin Plan amendment; however, it must be prioritized with other high priority issues and obligations of the Regional Water Board.